

November 21, 2013

Members of Planning and Growth Management Committee
Attn: Nancy Martins
10th Floor, West Tower
City Hall
100 Queen Street West
Toronto, ON
M5H2N2

Dear Members;

**RE: OFFICIAL PLAN REVIEW
EMPLOYMENT AREA POLICIES (ITEM PG28.2)
SOUTHDOWN BUILDERS (BELFIELD) LIMITED AND BELFIELD HOLDINGS LIMITED
275-279 BELFIELD ROAD AND 285 BELFIELD ROAD
OUR FILE 1087B**

We have reviewed the recent staff report and draft policies for employment lands relative to our clients' lands at 275-279 Belfield Road and 285 Belfield Road. **The lands continue to be proposed as 'Core Employment Area.'** Further to our letter to staff dated September 23rd, we maintain our request that the lands be redesignated to 'General Employment Area' with a site-specific provision. The following is a reiteration of our rationale for this request from our September letter.

Below is a comparison of permitted uses in the current 'Employment Area' designation, and the proposed 'Core Employment Area' designation.

Employment Area Designation	Core Employment Area Designation
<ul style="list-style-type: none"> • Offices; • Manufacturing; • Warehousing; • Distribution; • Research and development facilities; • Media facilities; • Hotels; • Retail outlets ancillary to the preceding uses (i.e. not stand-alone retail); • Restaurants and small scale stores and services that serve area businesses and 	<ul style="list-style-type: none"> • Offices; • Manufacturing; • Warehousing; • Wholesaling; • Research and development facilities; • Media facilities; • Hotels; • Small scale retail outlets that are ancillary to and on the same lot as a permitted use; • Small scale restaurants and catering

Employment Area Designation	Core Employment Area Designation
<p>workers</p> <ul style="list-style-type: none"> • Recreation; • Entertainment; • Business and trade schools; • Branches of community colleges or universities; and • Places of worship. 	<p>facilities;</p> <ul style="list-style-type: none"> • Small scale service uses that directly serve business needs such as courier services, banks and copy shops; • Post secondary trade schools; • Transportation facilities; • Ancillary workplace daycare; and • Vertical agriculture.

In our recent experience with development applications in the City, vehicle sales, service, and rental establishments are also considered employment uses and are permitted in Employment Areas by the current Official Plan policies. Past staff reports note that in the new employment land policies, vehicle sales and service would be considered a retail use and would only be permitted in the General Employment Area designation. This has not changed in the most recent draft of the policies.

In addition, major retail may be contemplated in the current Employment Area designation through Policies 4.6.3 and 4.6.4. These policies are proposed to be removed in the new set of policies. Any application to introduce major retail into the new Core Employment Area will be considered a conversion of employment lands and could only be considered through a Municipal Comprehensive Review.

Based on the analysis of uses currently permitted on the site, and the proposed list of uses in the Core Employment Area designation, the majority of uses permitted on the site today will continue to be permitted. However, the following use permissions will be lost with the new policies:

- Recreation uses;
- Entertainment uses; and
- Automobile uses.

In addition, major retail could no longer be contemplated on the site through an Official Plan Amendment as considered in Policy 4.6.4.

If the draft policies are approved, then they will have the effect of removing these use permissions from our client's properties. The new Official Plan policies reflect the Harmonized Zoning By-law, which also removes a similar set of uses from the list of permitted uses on the properties. We have submitted an appeal to the Harmonized Zoning By-law against the removal of these permissions. In order to preserve existing use permissions in the Official Plan, we request that the properties be assigned a Site and Area Specific Policy permitting the above uses, thus maintaining our client's use permissions.

We note that the properties are located on a major street (Belfield Road) as identified on Map 3 of the Official Plan. The properties are also bordered by Highway 409 and its west-bound on-ramp from Belfield Road. Highway 27 forms the eastern boundary of 275-279 Belfield Road. The site also enjoys proximity to Pearson International Airport. The two properties have excellent accessibility and exposure. Therefore the properties are well suited for a General Employment Area designation

The staff report cites that recreation uses were removed from the list of permitted uses in Core Employment Areas because they had the potential to be 'sensitive' to industrial uses. The Ministry of the Environment's D-Series Guidelines, which establish procedures for compatibility between land uses, identifies sensitive land uses including "certain outdoor recreational uses deemed by a municipality or other level of government to be sensitive (e.g. trailer park, picnic area, etc.)" (*from the definition of sensitive land use, guideline D-1-3*). However, the D-6 Guideline is more general, stating that for the purpose of that guideline, sensitive land uses may include "recreational uses which are deemed by the municipality or provincial agency to be sensitive." The City has not deemed any particular recreation or entertainment use sensitive. The proposed policies simply prohibit recreational and entertainment uses in the Core Employment Area without consideration as to whether they may actually be 'sensitive.' In the proposed interpretive sidebar of the Official Plan policies, 'sensitive land uses' are intended to have the same meaning as in the Provincial Policy Statement, which does not identify recreation and entertainment uses as 'sensitive.' Meanwhile, recreation and entertainment uses may be permitted in the General Employment Area designation through a Zoning By-law Amendment and environmental study.

Given that recreation and entertainment uses have the potential to be sensitive, but are not inherently sensitive, the same permission should be provided for in Core Employment Areas. With the requirement for appropriate review and criteria for recreation and entertainment uses in the Core Employment Areas, the City's concerns relative to these uses should be alleviated.

The staff report's determination that automobile dealerships are a retail use and therefore should only be permitted in the General Employment Area designation is not justified in the report. This does not recognize the valuable employment and service opportunities that these uses provide. Allowing automobile dealerships in Core Employment Areas lets local employees access vehicle services while they work. It also encourages these uses to locate outside of the Downtown and Central Waterfront, the Centres, and the Avenues where more intense built form is desired.

The Official Plan currently allows consideration to permit large scale, stand-alone retail uses and power centres on lands that front major streets which do not form the edge of an employment district, subject to an Official Plan Amendment and meeting certain criteria. We request that the same consideration be maintained on this site, to permit greater flexibility on the site in the future.

Given the above, we believe that a Site and Area Specific provision is warranted on the subject lands, in order to preserve existing use permissions. Such a Site and Area Specific provision could be worded as follows:

"XXX Recreation, entertainment facilities and automobile sales, rental, and/or service uses, are permitted. Notwithstanding, recreation and entertainment facilities shall only be permitted subject to satisfying criteria a) through h) established in Policy 4.6.4.

Consideration may also be given to permit large-scale and stand-alone retail stores by way of an Official Plan Amendment, if it can be demonstrated that:

- a) Such development will not undermine the stability of the Core Employment Area and will have particular regard for the viability of industrial uses;
- b) Sufficient transportation capacity is available to accommodate the extra traffic generated by the development, resulting in an acceptable level of traffic on adjacent and nearby streets; and
- c) The economic health of nearby shopping districts is not adversely affected."

Please feel free to call if you would like to discuss.

Thank you,

Yours truly,
MHBC

A handwritten signature in black ink, appearing to read "Ryan Moore". The signature is fluid and cursive, with a large initial "R" and "M".

Ryan Moore, MPI, MCIP, RPP, LEED® AP

cc: *Richard Ochsorn*
Grace Russo